

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Todd R. Newcome
Debtor(s)

Bankruptcy Case No.: 16-10776-TPA
Per October 24, 2017 Proceeding
Chapter: 13
Docket No.: 102 – 86, 93
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 26, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,470.00 as of November, 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee Application needed if fees (including retainer) exceed \$4,000.00.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

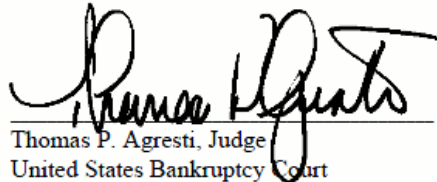
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: October 26, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 6

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Todd R. Newcome
DebtorCase No. 16-10776-TPA
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: vson
Form ID: 149Page 1 of 3
Total Noticed: 52

Date Rcvd: Oct 26, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 28, 2017.

db +Todd R. Newcome, 216 Dinsmore Avenue, Punxsutawney, PA 15767-2306
 cr +Daniel Reitz, 45 Calvary Lane, Punxsutawney, PA 15767-7932
 r +Don Powell, Powell & Associates Real Estate, LLC, 200 East Mahoning Street,
 Punxsutawney, PA 15767-2045
 cr +Kelly Reitz, 45 Calvary Lane, Punxsutawney, PA 15767-7932
 cr +Peoples TWP LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14292528 +AmeriCredit Financial Services, Inc. dba GM Financ, P O Box 183853,
 Arlington, TX 76096-3853
 14274162 +CRW Home Center, Inc., 313 Martha Street, Punxsutawney, PA 15767-1821
 14274156 Capital One, PO Box 71083, Charlotte, NC 28272-1083
 14294828 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14345373 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14352177 +Cavalry Spv I, LLC, Bass & Associates, P.C., 3936 E. Ft. Lowell Road, Suite #200,
 Tucson, AZ 85712-1083
 14274157 +Chase Card Services-Disney, PO Box 1423, Charlotte, NC 28201-1423
 14274158 +Citi Cards/Bon Ton, PO Box 6241, Sioux Falls, SD 57117-6241
 14274159 +Comenity - Gander Mtn, PO Box 659569, San Antonio, TX 78265-9569
 14274160 +Comenity- Peebles, PO Box 659465, San Antonio, TX 78265-9465
 14332294 +DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
 (address filed with court: Dell Financial Services, LLC, Resurgent Capital Services,
 PO Box 10390, Greenville, SC 29603-0390)
 14274163 +Dan & Kelly Reitz, 45 Calvary Lane, Punxsutawney, PA 15767-7932
 14274165 +GM Financial, PO Box 183834, Arlington, TX 76096-3834
 14351273 +Hyundai Capital America DBA, Kia Motors Finance, PO Box 20825,
 Fountain Valley, CA 92728-0825
 14274166 +Indiana Regional Medical Center, PO Box 788, Indiana, PA 15701-0788
 14361400 Jefferson County Tax Claim Bureau, 200 Main Street Court House, Brookville, PA 15825
 14274168 +KIA Motor Finance, PO Box 20815, Fountain Valley, CA 92728-0815
 14274170 +Liberty Mutual Group, 7000 Stonewood Drive Suite 100, Wexford, PA 15090-7376
 14345131 +NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage, LLC, PO Box 619096, Dallas TX 75261-9741)
 14274172 #Northwest Consumer Discount Company, 107 East Mahoning Street, PO Box 456,
 Punxsutawney, PA 15767-0456
 14274174 +Penn Highlands DuBois, PO Box 447, Du Bois, PA 15801-0447
 14274175 +Peoples Gas, PO Box 747105, Pittsburgh, PA 15274-7105
 14335570 +Peoples TWP LLC, c/o S. James Wallace, P.C., 845 North Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 14274176 +Plain Green Loans, PO Box 42560, Philadelphia, PA 19101-2560
 14274177 +Punxatawny Area Hospital, 81 Hillcrest Drive, Punxsutawney, PA 15767-2616
 14274178 +S&T Bank, PO Box 190, Indiana, PA 15701-0190
 14277250 Sterling Jewelers Inc., c/o Five Lakes Agency, Inc., P.O. Box 80730,
 Rochester, MI 48308-0730
 14274180 +Susan L. Mitchell, 301 E. Mahoning Street, Suite 3, Punxsutawney, PA 15767-2142
 14274182 +The SOS Group, Collection Agency, PO Box 16211, Cleveland, OH 44116-0211

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 27 2017 02:21:03
 PRA Receivables Management, LLC, PO Box 41067, Norfolk, VA 23541-1067
 cr +E-mail/PDF: rmscedi@recoverycorp.com Oct 27 2017 02:06:53
 Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,
 Miami, FL 33131-1605
 14344558 +E-mail/Text: bankruptcy@cavps.com Oct 27 2017 01:54:02 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340
 14274161 +E-mail/Text: bankruptcy_notifications@ccsusa.com Oct 27 2017 01:54:40
 Credit Collection Services, 725 Canton Street, Norwood, MA 02062-2679
 14274167 +E-mail/Text: BKRMailOPS@weltman.com Oct 27 2017 01:52:38 Kay Jewelers, PO Box 740425,
 Cincinnati, OH 45274-0425
 14274169 +E-mail/Text: bnckohlsnotices@becket-lee.com Oct 27 2017 01:52:22 Kohls/Capital One,
 PO Box 3115, Milwaukee, WI 53201-3115
 14274171 +E-mail/PDF: gecsed@recoverycorp.com Oct 27 2017 02:07:24 Lowe's/Synchrony Bank,
 PO Box 960010, Orlando, FL 32896-0010
 14311098 +E-mail/PDF: cbp@onemainfinancial.com Oct 27 2017 02:06:06 ONEMAIN, 605 MUNN ROAD,
 FT. MILL, SC 29715-8421
 14274173 +E-mail/PDF: cbp@onemainfinancial.com Oct 27 2017 02:06:05 OneMain Financial,
 PO Box 9001122, Louisville, KY 40290-1122
 14305245 +E-mail/PDF: cbp@onemainfinancial.com Oct 27 2017 02:07:19 OneMain Financial,
 P.O. Box 3251, Evansville, IN. 47731-3251
 14520057 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 27 2017 02:34:55
 Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk, VA 23541
 14351621 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 27 2017 02:06:33
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14301638 +E-mail/Text: bnc-quantum@quantum3group.com Oct 27 2017 01:52:45
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788

District/off: 0315-1

User: vson
Form ID: 149

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Total Noticed: 52

Date Rcvd: Oct 26, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14278267 E-mail/PDF: rmscedi@recoverycorp.com Oct 27 2017 02:06:53
Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,
Miami, FL 33131-1605
14274179 E-mail/PDF: cbp@onemainfinancial.com Oct 27 2017 02:07:19 Springleaf, PO Box 742536,
Cincinnati, OH 45274
14282696 +E-mail/Text: ecf@buckleyking.com Oct 27 2017 01:52:11
Sterling Jewelers, Inc. dba Kay Jewelers, c/o Buckley King LPA,
600 Superior Avenue East, Suite 1400, Cleveland, Ohio 44114-2693
14274181 +E-mail/PDF: gecscdi@recoverycorp.com Oct 27 2017 02:07:25 Synchrony Bank-LensCrafters,
PO Box 960061, Orlando, FL 32896-0061
14274183 +E-mail/PDF: gecscdi@recoverycorp.com Oct 27 2017 02:07:25 Walmart Mastercard/Synco,
PO Box 960024, Orlando, FL 32896-0024

TOTAL: 18

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr NATIONSTAR MORTGAGE, LLC
14274164* ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
(address filed with court: Dell Preferred Account, Payment Processing Center, PO Box 6403,
Carol Stream, IL 60197)
14691667* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates, LLC, PO Box 41067,
Norfolk, VA 23541)
14274155 ##+Best Buy Credit Services, PO Box 183195, Columbus, OH 43218-3195

TOTALS: 1, * 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 28, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 26, 2017 at the address(es) listed below:

Brian C. Thompson on behalf of Debtor Todd R. Newcome bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com;LMichaels@thompsonattorney.com;jwrzosek@thompsonattorney.com;ryandrli
c@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@thompsonattorney.com
Brian C. Thompson on behalf of Debtor Lori A. Newcome bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com;LMichaels@thompsonattorney.com;jwrzosek@thompsonattorney.com;ryandrli
c@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@thompsonattorney.com
Gary V. Skiba on behalf of Creditor Kelly Reitz gskiba@yochim.com,
donna@yochim.com;rose227@hotmail.com
Gary V. Skiba on behalf of Creditor Daniel Reitz gskiba@yochim.com,
donna@yochim.com;rose227@hotmail.com
James Warmbrodt on behalf of Creditor Nationstar Mortgage LLC, as Servicer
bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor NATIONSTAR MORTGAGE, LLC bkgroup@kmlawgroup.com
Joshua I. Goldman on behalf of Creditor NATIONSTAR MORTGAGE, LLC bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Robert Shearer on behalf of Trustee Robert Shearer information@robertshearer.com,
rshearer@ecf.epiqsystems.com;rspclaw@gmail.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

District/off: 0315-1

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

S. James Wallace on behalf of Creditor Peoples TWP LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com

TOTAL: 12